

Neighborhood Notification
Open House Information
Citizen Comments
Affidavit of Posting
Site Sign
Legal Protest

Public Comment

5-ZN-2019

Please see Attachments 7 through 14 of the City Council report for public comment received with this case.

Public Participation Report - Updated
Sunday Goods
4255 N. Winfield Scott Plaza

Pre-Application No. 652-PA-18

Per the City of Scottsdale Public Participation, please find enclosed and below information regarding an overview of outreach to date.

On February 4, 2019, Notification letters were mailed to property owners within 750 ft of the property and registered Homeowners Associations (as provided by the City). The letter provided information regarding the request, details for an upcoming Neighborhood Open House meeting, and provided contact information for both the Applicant and the City. See enclosed notification letter, mailing list, and notification area map.

On February 10, 2018, a "Project Under Consideration" sign was posted on site detailing the application request, providing information on the upcoming Neighborhood Open House meeting, and providing contact information for both the Applicant and the City. See enclosed affidavit of sign posting.

On February 21, 2019, a Neighborhood Open House meeting was held at the Larsen Gallery located at 3705 N. Bishop Lane in downtown Scottsdale. Multiple presentation boards depicting the project were on display. Members of the design team and the Owner's representative were on hand to answer any questions. A sign in sheet was provided along with contact information for the Applicant. See enclosed Neighborhood Open House sign in sheet and sample of images displayed at the meeting.

Roughly 10 members of the public attended the meeting. Questions revolved around operations, hours of operations and timing of development. One adjacent business owner wanted to ensure the Applicant would be supportive of ongoing street closures for certain events. None in attendance voiced opposition to the request, and the majority voice strong support.

Since the open house meeting, the Applicant team has continued to reach out to adjacent property owners and businesses to inform about the project and answer any questions. This includes a door-to-door canvassing of Brown Avenue, Winfield Scott Plaza and East 4th Avenue properties and businesses. Despite appointment only business hours, we received 6 signatures from nearby business owners in support of the proposed use. Additionally, the Applicant's team has reached out numerous times to the immediate business owners that attended the open house meeting and expressed concerns. Repeated calls, emails and texts have gone unreturned. Our team will continue to reach out

and/or schedule individual meetings in an attempt to inform the community about the proposed dispensary, discuss the operational procedures and answer any questions.

As of the date of this filing, the Applicant has received one phone call from the general public with general questions regarding the application. The City has received numerous emails in support of the project to date. Our office will continue to keep the City of Scottsdale informed of any pertinent follow up inquiries that may occur.

Thank you

Public Participation Report

UPDATE: 6/27/19

Sunday Goods
4255 N. Winfield Scott Plaza

Cases: 2-UP-2019 and 5-ZN-2019

Please add the following community outreach update to the case file for Sunday Goods.

Since the Open House meeting, the Applicant team has continued to reach out to adjacent property owners and businesses to inform them about the project and answer any questions. This includes a door-to-door canvassing of Brown Avenue, Winfield Scott Plaza and East 4th Avenue properties and businesses.

Despite appointment-only business hours, we have received 15 signatures from nearby business owners and/or property owners in support of the proposed dispensary. **Important to note, three (3) of those signatures are from nearby business owners who previously signed the opposition's petition but changed their position after speaking with Sunday Goods' team. (Vines & Hops, Gookin Engineering and Gimme the Ball Marketing)**

Additionally, the Applicant's team continues to reach out via phone, text and email to the immediate business owners that attended the open house meeting and expressed concerns. Repeated calls, emails and texts continue to go unreturned.

Our team is happy and willing to schedule individual meetings with any interested party in order to educate the community with the facts about the proposed dispensary, discuss operational procedures and answer questions.

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Thank you



SUNDAY GOODS OPEN HOUSE

February 21, 2019 at the Larsen Gallery

Dear Downtown Property Owner or Interested Citizen:

Our office represents Sunday Goods with regards to the above referenced property located near the corner of 5th Avenue and Winfield Scott Plaza, in very close proximity to the Scottsdale Galleria Corporate Center. The purpose of this letter is to introduce ourselves and to let you know we have recently filed a preliminary application (652-PA-2018) with the City of Scottsdale for a rezoning and conditional use permit to allow for a medical marijuana dispensary at this location. It would replace an existing tattoo parlor and is supported by the owner of the Scottsdale Galleria Corporate Center.



We are very excited to be working on this project. As you may know, Arizona voters approved the use of medical marijuana as an alternative pain treatment for a limited number of medical conditions. To ensure dispensaries are distributed throughout the state and located where the greatest number of card holding patients exist, the Arizona Department of Health Services (AZDHS) uses Community Health Analysis Areas (CHAA's) to regulate the issuance of dispensary licenses. For practical purposes, only two CHAA's exist in Scottsdale - the Scottsdale North and Scottsdale South CHAA's. While the North CHAA has 3 dispensaries, the South CHAA has only 1 dispensary, and it is located at Via De Ventura which is the northernmost point of the South CHAA's boundary, even though a great number of patients live and work in this CHAA making southern Scottsdale among the most underserved patients in the state.

We recently commissioned a public opinion survey, with the nationally-renowned Public Opinion Strategists, gauging Scottsdale voter attitudes about medical marijuana and this proposal. Key findings

included: 64 percent of voters in Scottsdale say they support the state's medical marijuana program, only 27 percent oppose. 57 percent of Scottsdale voters say the dispensaries currently operating in Scottsdale have done so responsibly, while only 7 percent say have not. 66 percent of Scottsdale voters say that placing a medical marijuana facility near the Scottsdale Galleria would be a good idea. For those closest to the proposed dispensary, in the southern regions of the city, 69 percent say it would be a good location with majorities of Republicans (51 percent), Democrats (82 percent) and Independents (72 percent) agreeing Downtown Scottsdale would be a good location for a new dispensary.

In 2017, the AZDHS issued one (1) additional license for the Scottsdale South CHAA's. Fortunately, our client, who already has vested business and interests in the success of Downtown Scottsdale, was awarded this license. It was decided early on that this dispensary would be unlike any other in existence. It would be the best-of-the-best. A truly upscale and comfortable atmosphere and a business worthy of a Downtown Scottsdale address, similar to retail experiences that can be found at Scottsdale Fashion Square. Such establishments are located in Aspen, La Jolla, Telluride and numerous other comparable tourism locations to Scottsdale. We have teamed up with the best of international and local retail experience designers to create a one-of-a-kind experience. A copy of the site plan is provided for reference. A valid patient card will still be required to access the facility or to purchase any medical marijuana products. As is the rule throughout Arizona, no on-site consumption is permitted.

The property is currently zoned Central Business / Parking, Downtown Overlay (C-2/P-3, DO). This designation allows for a variety of uses and the building is currently used as a tattoo parlor. Pursuant to State law and City zoning ordinance, this application seeks to rezone the property to Commercial Office / Parking, Downtown Overlay (C-O / P-3, DO) with a conditional use permit to allow the dispensary. In essence, this application is a downzoning of the property to allow for only this specific use. It is the only eligible site for this use in southern Scottsdale.

PLEASE JOIN US ON FEBRUARY 21ST

from 6:00-7:00 pm at the Larsen Gallery

In order to discuss this application and any questions you may have, we have scheduled an open house on Thursday, February 21, 2019 from 6:00pm - 7:00pm, at the Larsen Gallery located at 3705 N. Bishop Lane in Downtown Scottsdale. Feel free to stop by any time between 6:00 and 7:00 pm and hors d'oeuvres, light cocktails and refreshments will be served. If this date and time are not convenient, we would be happy to speak with you individually. Please contact me at 602.230.0600 or George@WitheyMorris.com. You can also reach the City's Project Coordinator, Bryan Cluff at 480.312.2258 or at Bcluff@ScottsdaleAZ.gov. In the future, you should be receiving notification postcards from the City regarding the case and its scheduled public hearings. Information can also be found on the City's website at: <http://www.scottsdaleaz.gov/planning-development/projects-in-process>.

Thank you for your courtesy and consideration.

Sincerely,

Withey Morris P.L.C.



By George Pasquel III

Enclosure: Aerial, preliminary site plan



The Pharm - Scottsdale

Scottsdale, Arizona
2019 01 30

LGE | DESIGNGROUP

PRELIMINARY SITE PLAN

This rendering is for conceptual design only, was done without benefit of a survey and should not be referred to as a construction document. THESE DRAWINGS ARE THE PROPERTY OF LGE DESIGN GROUP AND SHALL REMAIN THEIR PROPERTY. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL INTENT AND SHALL NOT BE REPRODUCED OR PUBLICLY DISPLAYED WITHOUT WRITTEN PERMISSION FROM LGE.

1"=20'-0"
0 10 20 40



LGE | DESIGNBUILD

750 ft Radius



4301 N. Winfield Scott Plaza





Affidavit of Posting

Required: Signed, Notarized originals.

Recommended: E-mail copy to your project coordinator.


☒ **Project Under Consideration Sign (White)**

☐ **Public Hearing Notice Sign (Red)**

Case Number: 652-PA-2018
Project Name: SUNDAY GOODS
Location: 4255 N. WINFIELD SCOTT
Site Posting Date: 2-10-19
Applicant Name: GEORGE PASQUEL - WITNEY MORRIS PLC

Sign Company Name: Dynamite Signs
Phone Number: 480-585-3031

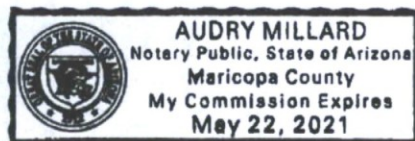
I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.


Applicant Signature

2/13/19
Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.

Acknowledged before me this the 13th day of February 2019



Audry Millard
Notary Public

My commission expires: May 22, 2021

City of Scottsdale -- Current Planning Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

Early Notification of Project Under Consideration

Neighborhood Open House Meeting:

Date: Thursday, February 21, 2019
Time: 6:00 P.M.
Location: Larsen Gallery
3705 N. Bishop Lane, Scottsdale, Az

Location: 4255 N. Winfield Scott Plaza Project Overview:

- Request: Rezoning from C-2/P-3, DO to C-O/P-3, DO with a Conditional Use Permit
- Description of Project & Proposed Use: Medical Marijuana Dispensary
- Site Zoning: Central Business/Parking, Downtown Overlay (C-2/P-3, DO)
- Site Acreage: 0.1 acres (4,800 sq ft)

Applicant Contact:
Withey Morris, PLC -
George Pasquel 602-230-0600
George@WitheyMorris.com

City Contact:
Bryan Cluff 480-312-2258
BCluff@scottsdaleaz.gov

Case #: 652-PA-2018

Available at City of Scottsdale: 480-312-7000

Project information may be researched at:

<https://eservices.scottsdaleaz.gov/bldgresources/Preapp/Search>

- -Penalty for removing or defacing sign prior to date of last hearing -Applicant Responsible for Sign Removal •

Sunday Goods

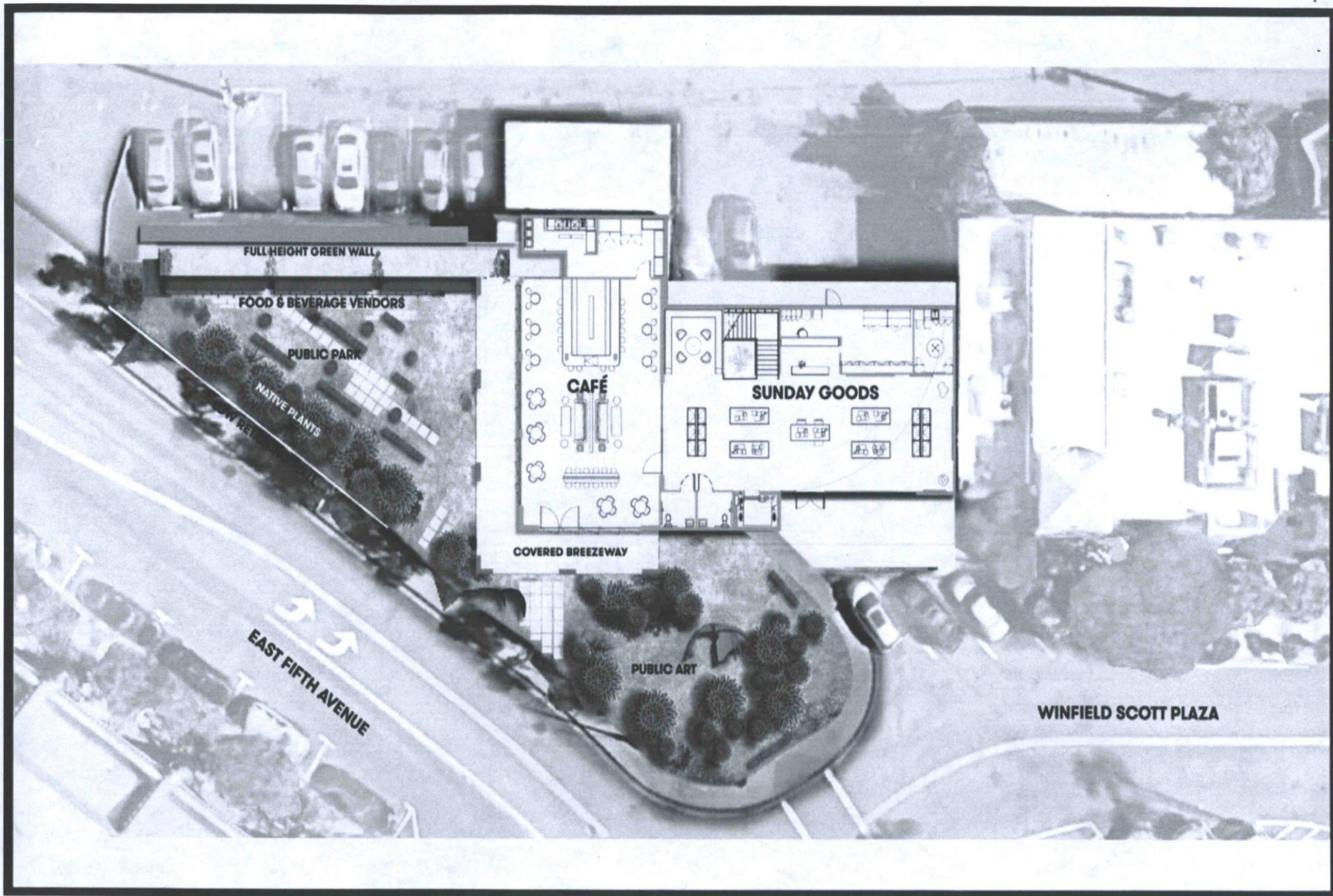
Open House – February 21, 2019

[illegible]

Sunday
Goods **Open House – February 21, 2019**

Sunday
Goods **Open House – February 21, 2019**

[illegible]



History of CHAA

In 1988, an Arizona state law was passed that directed the Arizona Department of Health Services to find and utilize data in the state-wide cancer registry to identify areas and populations of people that may need investigation. The state was divided into 126 "Primary Care Areas" used by the ADHS to determine if certain areas or area-specific factors were causing harm to the inhabitants of said areas. Until recently, the state-collected cancer data was not complete enough to look at growing cancer rates on a relatively small geographical scale, limiting the data analysis to the county level only. A Community Health Analysis Area or "CHAA" has a population ranging from 5,000 people to 190,000 but the average CHAA should contain around 22,000 people.

History of THE WHITE TRIANGLE

In October 2017, AZHDS held its last and final application round to award its remaining 31 licenses which included one (1) in the North Scottsdale CHAA and one (1) in the South Scottsdale CHAA. Shortly after Cardinal Health/Sunday Goods was awarded the one (1) license that was available in the South Scottsdale CHAA, it set up a meeting with City staff to inquire about where the City would like to see the Company located its integrative pharmacy. It was in this meeting where City staff presented the Company with a map of the South Scottsdale CHAA that showed approved properties and locations showing up as the color White in an otherwise sea of pink, red and blue. This map had virtually no White color on it which indicated that there were practically no viable locations for which to locate this license, with the exception of one, very small "white triangle" that included only a handful of properties that were not for sale or for lease in Old Town, Scottsdale. With no other clear options, the Company set out to purchase two properties in this very limited and approved area to match its best-in-class health and wellness concept with the license it had been awarded.

History of SCOTTSDALE CHAA'S

In 2012 AZDHS (Arizona Department of Health Services) based location of medical marijuana facilities on established Community Health Analysis Areas (CHAAs).

There are actually a total of seven (7) CHAAs in Scottsdale, but only two (2) of those are controlled by the City of Scottsdale and make up almost the entire City. The others are on the very fringes of the City and are CHAA's that are in the control of Paradise Valley, Fountain Hills, Tempe and Maricopa County.

Since, for all practical purposes, there are only two (2) CHAA's in Scottsdale, it was the City's original plan to license only one (1) per CHAA. These two (2) licenses were handed out by the City in 2012 to Arizona Natural Selections in the North Scottsdale CHAA and Monarch Dispensary in the South Scottsdale CHAA. In 2017, AZDHS held a second application round which included the two (2) Scottsdale CHAA's again. In 2017, the two (2) licenses were awarded, by the State, to Arizona Natural Selections for the North Scottsdale CHAA and to Cardinal Health/Sunday Goods for the South Scottsdale CHAA.

One additional data point is that once a licensed facility has "good standing" and been operating for 3 or more years, anywhere in the State, AZDHS allows the owner to relocate their license anywhere within the state based market demand. The license holder has to be granted approval from the municipality in order to move this license. In 2016, the City of Scottsdale granted this approval for three (3) additional dispensaries to relocate to the North Scottsdale CHAA from another CHAA, per this "good standing" requirement. It was this requirement from AZDHS that caused the City of Scottsdale to revise its ordinance in 2016, in advance of the two new licenses being awarded in 2017.

It was this update to the City's Medical Marijuana Land Use that took effect September 30, 2016 that raised the setback requirements from 500 feet to 1,500 feet from all residential and schools and added church, day care and parks. This amendment to the City's ordinance unintentionally removed any meaningful opportunity for a license holder to locate in the South Scottsdale CHAA.



